

REMARKS

The present application has been allowed, as indicated in a Corrected Notice of Allowance and Issue Fee Due mailed on April 14, 2005. Entry of this amendment under 37 CFR §1.312 is hereby requested. This amendment merely corrects formal matters in the specification and drawings, and does not change the scope of the claims. See e.g., M.P.E.P. §714.16.

In reviewing this application prior to allowance, Applicant noted that the specification does not include a cross-reference to an earlier provisional application to which priority was claimed in the inventor's declaration with the application as filed and acknowledged by the Patent Office in the Filing Receipt mailed on September 4, 2001. Via the above-listed amendment to page 1 of the specification, the cross-reference to U.S. provisional application Serial No. 60/221,333 noted in the Filing Receipt has been added to the application text.

Addition of the cross-reference via an Amendment After Allowance is believed to be proper pursuant to 201.11(E)(F)(III)(D), which states:

If an applicant includes a benefit claim in the application but not in the manner specified by 37 CFR 1.78(a) (e.g., if the claim is included in an oath or declaration or the application transmittal letter) within the time period set forth in 37 CFR 1.78(a), the Office will not require a petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) to correct the claim if the information concerning the claim was recognized by the Office as shown by its inclusion on the filing receipt.

As mentioned above, the cross-reference added to the specification by amendment herein is to a provisional application to which priority was claimed in the declaration filed on the same date as the application and was recognized by the Patent Office as shown by its inclusion on the filing receipt, as mentioned above. Accordingly, a petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required.

If the Examiner has any questions concerning the above-listed amendment, he is respectfully requested to contact the undersigned at the number listed below.

Serial No.: 09/916,922
Conf. No. 8770

- 4 -

Art Unit: 2161

CONCLUSION

If there is a fee occasioned by this amendment, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
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